

**City of Pomona
Successor Agency Oversight Board
Special Meeting Minutes**

**City Council Chambers
Pomona City Hall
Pomona, California**
www.ci.pomona.ca.us

**July 11, 2013
1:00 p.m.**

Board Members present:

Carrie Sutkin, Chair
Gerry Hertzberg, Board Member
Mike Gregoryk, Board Member
Jane Rich, Board Member

Board Members absent:

Elliott Rothman, Vice Chair
Bruce Saito, Board Member
Leslie Barnes, Board Member

Staff Members Present:

Linda Lowry, City Manager
Andrew Jared, Assistant City Attorney
Raymond Fong, Director of Redevelopment
Teresa L. Highsmith, Oversight Board Legal Counsel
Anthony J. Mejia, Clerk of the Oversight Board

CALL TO ORDER

Chair Sutkin called the meeting to order at 1:38 p.m.

ROLL CALL

Anthony J. Mejia, Clerk of the Oversight Board, called roll

PLEDGE OF ALLEGIANCE

Chair Sutkin led the Pledge of Allegiance

PUBLIC COMMENT

There were none.

1. Minutes of the Successor Agency Oversight Board Special Meeting of May 9, 2013.

Motion by Board Member Hertzberg, seconded by Board Member Gregoryk, carried by unanimous vote of the members present (4-0-3-0) Saito, Barnes and Rothman excused, the May 9, 2013 Special Meeting Minutes were approved.

2. Adopt a Resolution of the Oversight Board to the Successor Agency for the Redevelopment Agency of the City of Pomona, California, granting an approximate 15,451 square foot portion of Lot #9 in the Pomona Ranch Plaza site to YK America for the extension of Rancho Camino Drive, a public street.

Raymond Fong, Deputy City Manager, provided a staff report and requested that the Oversight Board adopt a Resolution to approve and grant a 15,451 sq. ft. portion of Lot #9 in the Pomona Ranch Plaza, to the Developer YK America (YKA) to allow for the extension of the public street Rancho Camino Drive, and noted that once the street is completed, it would then be dedicated and granted over to the City of Pomona. Mr. Fong provided a brief background mentioning that back in 2004, the former Redevelopment Agency (RDA) entered into a Disposition and Development Agreement (DDA) with YKA for all parcel lots located in the Pomona Ranch Plaza except Lot 9, due to environmental remediation required by the Department of Toxic Substance and Control (DTSC).

Chair Sutkin inquired whether the Developer was not interested in acquiring Lot 9 back in 2004, due to the contamination of the site. Mr. Fong responded that yes, the Developer was not interested due to the amount of contamination and costs to clean up the site and it was not feasible at the time. Mr. Fong informed the Board that the DTSC has now called for and approved a Clean-Up Plan for the site. He added that the intent is for YKA to implement the clean-up and construct the street at their expense, and then allow the property to be transferred over to the City of Pomona as a public street.

Board Member Hertzberg inquired whether the Oversight Board has the legal authority to approve the Resolution without a Long Range Property Management Plan (LRPMP) in place. Teresa Highsmith, Oversight Board Counsel indicated that there is no current precise authorization of what the Successor Agency (SA) is requesting; however, she noted that given that the SA has already received it's Finding of Completion (FOC) from the Department of Finance (DOF) and that a LRPMP will be presented within the month, it makes practical sense. Ms. Highsmith suggested amending the Resolution to further detail the extension of a public street which will remain public after construction and in doing so, that may provide additional authority.

There was discussion amongst the Board Members and concern was raised on why the property was going to be transferred over to the developer and then again transferred over to the City of Pomona. Board Member Gregoryk questioned why the property was never transferred over to the City of Pomona initially so that the City could construct directly. Mr. Fong explained that the City

of Pomona did not want to take on that liability and preferred that the developer be the responsible party.

Chair Sutkin expressed her concern over the Board having to grant the property over to YKA for clean-up and construction since the property will ultimately be transferred over to the City. Mr. Fong suggested that perhaps the Board can authorize the property to be conveyed over to the City of Pomona directly, and the City can then enter into an agreement with YKA to implement the requested action. Teresa Highsmith suggested amending the Resolution, to include the language: "Conveyance of property from the Successor Agency to the City of Pomona, Pursuant to Section 34181 Sub-Section A"; and list additional findings that the property is a public street intended for a governmental purpose. Ms. Highsmith further concluded that she would continue to work with the Successor Agency's Legal Counsel on the final amended Resolution language.

Motion by Board Member Gregoryk, seconded by Chair Sutkin, carried by unanimous vote of the members present (4-0-3-0) Saito, Barnes and Rothman excused, the Board adopted a Resolution of the Oversight Board to the Successor Agency for the Redevelopment Agency of the City of Pomona, California, granting an approximate 15,451 square foot portion of Lot 9 in the Pomona Ranch Plaza site to the City of Pomona for the extension of Rancho Camino Drive, A public street as amended.

3. Adopt a Resolution of the Oversight Board to the Successor Agency for the Redevelopment Agency of the City of Pomona, California, approving a 6-month and month-to-month lease thereafter of residential unit #315 at Mission Promenade with Ms. Maribel Alvarez for the amount of \$1,000/month.

Raymond Fong, Deputy City Manager, informed the Board that the Successor Agency is requesting an approval of an initial 6-month lease and then a month-to-month lease thereafter to Maribel Alvarez, in the amount of \$1,000 per month for a residential unit located in Mission Promenade, at 101 W. Mission Boulevard.

Mr. Fong explained that the Successor Agency acquired the unit through a foreclosure process and is currently paying \$323 per month in Home Owners Associations Dues which is listed on the Recognized Obligation Payment Schedule (ROPS) as an enforceable obligation; therefore, approving and accepting the proposed rent proposal from Ms. Alvarez will generate at least \$6,000 in revenues to the Successor Agency.

Board Member Hertzberg questioned whether the property was in a depressed state. Mr. Fong indicated that was not the case as the unit is a small subdivision development within a mixed use project, and noted that the unit was intended for homeownership rather than rental unit. Mr. Fong added that the Successor Agency purchased this property with an intention to sell, however given the current economy and state the Successor Agency is in, those plans have been postponed.

Motion by Board Member Gregoryk, seconded by Chair Sutkin, carried by unanimous vote of the members present (4-0-3-0) Saito, Barnes and Rothman excused, the Board adopted a Resolution of the Oversight Board to the Successor Agency for the Redevelopment Agency of the City of Pomona, California, approving a 6-month and month-to-month lease thereafter of residential unit #315 at Mission Promenade with Ms. Maribel Alvarez for the amount of \$1,000/month.

DEPARTMENT OF FINANCE COMMUNICATIONS

This item was taken out of order.

Linda Lowry, City Manager, informed the Board that the Successor Agency's Long Range Property Management Plan (LRPMP) was introduced and reviewed by City Council on July 8, 2013. Ms. Lowry explained that the intent is to seek City Council approval at the August 5, 2013 City Council meeting and at which point, will then be presented to the Oversight Board at the August 8, 2013 Regular Meeting for final approval.

Raymond Fong, Director of Redevelopment, indicated that the Board would be provided with a copy of the LRPMP in advance of the August 8, 2013 Oversight Board Meeting.

The report was received by consensus of the Board.

FUTURE AGENDA ITEMS

Raymond Fong, Director of Development, informed the Board that the Long Range Property Management Plan (LRPMP) would be presented to the Oversight Board for review and approval at the August 8, 2013 meeting.

ADJOURNMENT

The meeting was adjourned at 2:17 p.m. The next Regular Meeting is scheduled for Thursday, August 8, 2013, at 1:30 p.m.

Anthony J. Mejia, Clerk of the Oversight Board

ATTEST:

Carrie Sutkin, Chairperson